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March 28, 2011

Stephen L. Crocker, Magistrate Judge
United States District Court
Western District of Wisconsin
120 N. Henry St.
P.O. Box 432
Madison WI 53701-0432

Re: Martha "Molly" Otis Scheer v. City of Hayward, et al.
Case No. 10CV447
Our File No. 27670.0037

Dear Magistrate Judge Crocker:

The parties have conferred by telephone with respect to the current status of this matter and jointly advise the district court as follows:

The parties agree that summary judgment should be granted at this time in favor of Plaintiff Martha "Molly" Otis Scheer and against defendant City of Hayward and the other named defendants in their "official capacity," based upon the uncontested summary judgment motion and supporting documents filed by plaintiff. However, the parties are not in agreement on whether summary judgment can be entered against the individual defendants in their individual or personal capacities. This is because, although plaintiff alleges the named defendants are liable in their individual or personal capacities, defendants are asserting defenses of absolute immunity or, in the alternative, qualified immunity, and this issue has not yet been fully addressed or briefed by the parties.

If the court has any questions or concerns about this submission or the parties' agreement, please advise.

FOR THE PLAINTIFF:

/s/ Glenn M. Stoddard

Glenn M. Stoddard

FOR THE DEFENDANTS:

/s/ Thomas J. Misfeldt

Thomas J. Misfeldt